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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,311	01/14/2004	Gregory R. Hauler	LAC03 P328	3581

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EXAMINER

STORMER, RUSSELL D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 17, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen.

Allen (previously cited; newly applied) discloses a wheel cover assembly comprising a cover body, a plurality of elongated tubular extensions 266 extending from the inner surface of the cover body, and a plurality of connector members 290 snappably coupled to the distal ends of the extensions. See figure 5. The barb 280 includes an end wall (unlabelled) which is abutted by a portion of the connector member. The inner surface of the connector member 290 further includes an irregularity in the form of a chamfered surface (unlabelled) which contacts the lug nut to couple with the vehicle wheel as shown in figure 5.

As measured from the axially inward tip of the barb 280, it is clear that a majority of the connector member 290 extends axially inwardly from the extension.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 17, and 33 have been considered but are moot in view of the new grounds of rejection.

The limitation of a majority of the connector member extending axially inward from the extension necessitated the use of Allen.

The definition of the term "irregularity" provided by Applicant is noted. The chamfered opening in the connector 290 of Allen extends along the length of the inner surface of the opening and is considered to be an irregularity since the opening is not even or symmetrical.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/13/06


RUSSELL D. STORMER 3/
PRIMARY EXAMINER 13/
2006